

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS FOLLOWS: TO AMEND **ARTICLE 3** – OVERLAYS AND ZONING DISTRICTS; CHAPTER A – GENERAL; CHAPTER B – OVERLAYS; CHAPTER E – PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4** – USE REGULATIONS; CHAPTER B – SUPPLEMENTARY USE STANDARDS; CHAPTER D – EXCAVATION; **ARTICLE 5** – SUPPLEMENTARY STANDARDS; CHAPTER G – DENSITY BONUS PROGRAMS; **ARTICLE 7** – LANDSCAPING; APPENDIX D – CHECKLIST OF STANDARDS THAT CAN BE ALTERED WITH AN APPROVED ALP; AND **ARTICLE 18** – DEFINITIONS; CHAPTER A – ZONING DEFINITIONS AND ACRONYMS; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC desires to further amend the ULDC to provide Land Development Regulations to establish the Scientific Community Overlay District which allows for the development of a biotechnology research park, integrating a biotechnology research institute with business, residential, and other complementary support facilities; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan adopted in amendment round 2004-04-ERP; and

WHEREAS, the Board of County Commissioners hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

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4 **Section 1. Adoption**

5 The amendments described in the Recitals set forth above are hereby
6 adopted as set forth in Exhibit A, attached hereto and made a part hereof.

7 **Section 2. Interpretation of Captions**

8 All headings of articles, sections, paragraphs, and sub-paragraphs used in
9 this Ordinance are intended for the convenience of usage only and have no
10 effect on interpretation.

11 **Section 3. Providing for Repeal of Laws in Conflict**

12 All local laws and ordinances in conflict with any provisions of this Ordinance
13 are hereby repealed to the extent of such conflict.

14 **Section 4. Severability**

15 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or
16 any other item contained in this Ordinance is for any reason held by the Court to
17 be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not
18 affect the remainder of this Ordinance.

19 **Section 5. Inclusion in the Unified Land Development Code**

20 The provisions of this Ordinance shall be codified in the Unified Land
21 Development Code and may be reorganized, renumbered or relettered to
22 effectuate the codification of this Ordinance.

23 **Section 6. Providing for an Effective Date**

24 The provisions of this Ordinance shall become effective upon the effective
25 date of the amendments to the Palm Beach County Comprehensive Plan
26 adopted in amendment round 2004-04-ERP.

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1 **APPROVED and ADOPTED** by the Board of County Commissioners of
2 Palm Beach County, Florida, on this the 13th day of OCTOBER,
3 2004.

4
5 PALM BEACH COUNTY, FLORIDA, BY ITS BOARD
6 OF COUNTY COMMISSIONERS

7
8 By: [Signature]
9 Karen T. Marcus, Chair

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13 DOROTHY H. WILKIN, CLERK
14 Board of County Commissioners
15 By [Signature]
16 DEPUTY CLERK
17 FLORIDA

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21 APPROVED AS TO FORM AND
22 LEGAL SUFFICIENCY

23
24 By: [Signature]
25 County Attorney

26 EFFECTIVE DATE: Filed with the Department of State on the 21 day
27 of October, 20 04.

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2 **EXHIBIT A**
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5 **PART 1. Unified Land Development Code of Palm Beach County**
6 **(ULDC), Article 3.A.1.B.1, Overlays, is amended as follows:**

7 **CHAPTER A GENERAL**

8 **Section 1 Districts**

9 **A. Intent**

10 **B. Overlays and Zoning Districts ...**

11 **1. Overlays**

12 AZO, Airport Zone Overlay

13 COZ, Conditional Overlay Zone

14 GAO, Glades Area Overlay

15 IOZ, Indiantown Road Overlay

16 LOSTO, Lake Okeechobee Scenic Trail Overlay

17 LWRCCO, Lake Worth Road Commercial Corridor Overlay

18 NBOZ, Northlake Boulevard Overlay Zoning

19 NEO, Native Ecosystem Overlay

20 PBAO, Palm Beach International Airport Overlay

21 RTO, Research and Technology Overlay

22 SCO, SCGCFO Sugar Cane Growers Cooperative of Florida
23 Protection Area Overlay

24 SR80 Non-residential Overlay

25 TAPO, Turnpike Aquifer Protection Overlay

26 WCRAO, Westgate Community Redevelopment Agency Overlay

27 **PART 2. ULDC, Article 3.B.12, SCO, Sugar Cane Overlay, is amended as**
28 **follows:**
29

30 **CHAPTER B OVERLAYS**

31 **Section 12 SCO SCGCFO, Sugar Cane Growers Cooperative of Florida**
32 **Protection Area Overlay**

33 **A. Purpose and Intent**

34 The purpose and intent of the SCO SCGCFO is to maintain the integrity of
35 bona fide agricultural operations related to the cultivation and processing
36 of sugar cane, by prohibiting the encroachment of incompatible land uses
37 or activities. It will also provide opportunities for the inclusion of related
38 accessory and supporting uses and/or activities in close proximity to the
39 existing mill.

40 **B. Boundaries**

41 The SCO SCGCFO includes all of Sections 21 and 28, the eastern half of
42 Sections 20 and 29, Township 43 Range 37, excluding completely the
43 western half of Sections 20 and 29.

44 **C. Use Regulations**

45 The following uses shall be permitted in the SCGCFO, subject to Art. 4.A,
46 Use Classification.
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2 PART 3. ULDC, Table 3.E.1.B-10, PDD Use Matrix, is amended as follows:

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4 * * *

5 Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD							MXPD				PIPD			M	R	N
	Pods					Land Use Designations							Land Use Designations				Use Zone					
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	I N D	I N S T	C L	C H	C L	C H	I N D / L	C O M D / G	I N D / G			
Commercial Uses																						
Lounge, Cocktail		P				R	P		P	P			R	P		R		P				79
Medical Or Dental Office		R				P	P	P	P				P	P	P	P		P				83
Monument Sales, Retail						P	P						P	P				P				86
Office, Business Or Professional		P				P	P	P	P				P	P	P	P		P				91
Parking Garage, Commercial		P					R			R	R							P				95
Parking Lot, Commercial		R					R			R	P											96
Pawnshop							R															97
Personal Services		P				P	P	P	P				P	P	P	P		P		P		98
Printing And Copying Services		P				P	P	P	P				P	P	P	P		P				100
Repair And Maintenance, General		R					R				P						P	P	P			107
Repair Services, Limited		P				P	P	P	P		P		P	P	P	P		P				108
Restaurant, Fast Food		R					R			R				R		R		P				109
Restaurant, High Turnover, Sit-down		D				D	D	D	D	D			D	D	D	D		D				110
Restaurant, Quality		P				P	P	R	P	P			P	P	R	P		P		P	P	111
Restaurant, Specialty		P	P			P	P	P	P	P		P	P	P	P	P		P		P	P	112
Retail Sales, Auto		P				P	P						P	P	P	P		P				113
Retail Sales, General		P				P	P						P	P	P	P		P				114
Retail Sales, Mobile Or Temporary		S											S	S				S				115
Self-Service Storage						R	R				P						P	R	P			120
Theater, Drive-In							R			R								R				128
Theater, Indoor		R					R			P				R								129
Towing Service And Storage											P						P					130
Vehicle Sales And Rental		R				R	R						R	R				R				135
Veterinary Clinic		R				R	P	R	P				R	R	R	R		P				136
Vocational School		R				R	P		P		P	D	R	R		R		P				137
Work/Live Space		P				P	P	P	P				P	P	P	P		P				141

Notes to Table 3.E.1.B-10, PDD Use Matrix: P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

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Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD							MXPD				PIPD					
	Pods					Land Use Designations							Land Use Designations				Use Zone					
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	I N D	I N D S T	C L	C H	C L	C H	I N D / L	C O M D	I N D / G	M H P D	R V P D	N O T E
Industrial Uses																						
Asphalt Or Concrete Plant											R							P				13
Data Information Processing						P	P		P		P		P	P		P	P	P				54
Film Production Studio							P		P	R	P						P	P	P			
Gas And Fuel, Wholesale											R							P				61
Heavy Industry											R						R		P			69
Laboratory, Research						R	R	R	R	R	P	R	<u>R</u>	<u>R</u>			P	<u>R</u>	P			76
Machine Or Welding Shop											P						P		P			80
Manufacturing And Processing						R	R	R	R	R	P						P		P			81
Medical Or Dental Laboratory		P				P	P	P	P								P					84
Salvage Or Junk Yard											R							R				116
Transportation Facility																	P		P			133
Truck Stop											R						R		R			131
Warehouse											P						P		P			138
Wholesaling, General											P						P		P			140

Notes to Table 3.E.1.B-10, PDD Use Matrix:
P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

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8 **PART 4. ULDC, Article 3.E.1.D.3, Regulating Plan, is amended as**
9 **follows:**

10
11 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

12
13 **Section 1 General**

- 14 **A. General ...**
15 **B. Future Land Uses and Density ...**
16 **C. Objectives and Standards ...**
17 **D. Application Requirements ...**
18 **1. Master Plan ...**
19 **2. Site Plan ...**
20 **3. Regulating Plan**

21 All planned developments, and the effected affected area of
22 modifications to previously approved planned developments, shall
23 submit a regulating plan, consistent with the PBC Zoning Division
24 Technical Manual, consisting of a comprehensive graphic and written
25 description of the project.

26 **a. Contents**

27 At a minimum, the regulating plan shall consist of the following
28 information, drawn to scale or labeled with dimensions:
29 1)a- street cross sections, including sidewalks, bike lanes, street trees,
30 on street parking and lighting;
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- 2)b. typical lot layouts for each housing type, including building envelope, screen enclosure/pool setbacks, and driveway access;
- 3)e. focal point details;
- 4)d. landscape buffer details (plan view and cross section);
- 5)e. median landscape detail, if applicable;
- 6)f. bus shelter detail, if applicable;
- 7)g. master sign program/plan;
- 8)h. elevations, if submitted pursuant to Art. 5.C, Design Standards;
- 9)i. pedestrian circulation plan in accordance with Art. 3.E, Planned Development Districts (PDDs);
- 10)j. phasing plan in accordance with Art. 2.D.1, Development Review Process,
- 11)k. screening details;
- 12)l. exemplary features;
- 13)m. public amenities;
- 14)n. details of entry features; and
- 15)o. neighborhood parks;

b. Design Standards Alternative

Items a.1), a.4), a.5), and a.7) above shall be required to be shown on a Regulating Plan at time of submittal of the application for DRO review (Public Hearing). Items a.2), a.3), a.6), and a.8) through a.15), as may be applicable, shall be indicated in the Design Standards subject to approval by the BCC.

* * *

PART 5. ULDC, Article 3.E.3.D.1, Work/Live Space, is amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 3 Multiple Use Planned Development (MUPD)

A. General ...

B. Objectives and Standards ...

C. Thresholds ...

D. Property Development Regulations ...

1. Work/Live Space

A space within a mixed use building that is used jointly for residential, and commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. Work/Live spaces shall comply with the following supplemental use standards:

Accessory work/live ~~units~~ spaces may be permitted in a MUPD, MXPD, commercial pod of a PUD, commercial and industrial pods of a PIPD, or a TMD as follows:

- 1) ~~Accessory work/live units~~ sShall not exceed 1,000 square feet of living area;
- 2) A minimum of 10 percent of the living area of a work/live unit shall be designated as office space;
- 3) ~~Work/live space in a TMD~~ sShall be counted as non-residential square footage;
- 4) The maximum number ~~of units~~ allowed in a PDD ~~are~~ is indicated in Table 3.E.3.D-21, Work/Live PDD;
- 5) The maximum number ~~of units~~ allowed by the DRO in a PDD ~~are~~ is indicated in the Table 3.E.3.D-21, Work/Live Units Space PDD. The maximum number ~~of units~~ allowed by the DRO in a TMD ~~are~~ is indicated in the Table 3.E.3.D-21.a, Work/Live Units Space TMD; and

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- 6) Units Work/live spaces in excess of the maximum number allowed by the DRO shall be a Requested Use.
- PART 6. ULDC, Table 3.E.3.D-21 – Work/Live Units PDD, is amended as follows:

Table 3.E.3.D-21 - Work/Live Units Space PDD

FLU Designation	CL/Commercial Pod in a PUD	CH	CLO	CHO	IND ⁽¹⁾
Number of Units Spaces	1/acre	5/acre	3/acre	3/acre	3/acre
DRO ⁽²⁾	8	24	24	24	24

- (1) Limited to commercial and light industrial pods in a PIPD only.
- (2) Maximum number of spaces.
- (1) Limited to a commercial pod in a PIPD only.

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- PART 7. ULDC, Table 3.E.3.D-21.a, Work/Live Units TMD, is amended as follows:

Table 3.E.3.D-21.a Work/Live Units Space TMD

TIER	U/S	AGR/GLADES	RURAL/EXURBAN
DRO	100	100	75

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- PART 8. ULDC, Article 3.E.5.A.1, Purpose and Intent, is amended as follows:

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CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

17

18

Section 5 Planned Industrial Park Development (PIPD)

19

A. General

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1. Purpose and Intent

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The purpose of the PIPD district is to create an industrial development alternative, which provides employment opportunities for industries, manufacturing, research development and encourages internal trip capture by offering commercial services and residential support uses. Support uses, such as hotels, offices, commercial, institutional, and residential are intended to serve the PIPD workforce, and other residential populations.

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- PART 9. ULDC, Article 3.E.5.B.2.b, Proximity to Other Uses, is amended as follows:

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CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

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Section 5 Planned Industrial Park Development (PIPD)

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A. General ...

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B. Objectives and Standards ...

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1. Design Objectives ...

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2. Performance Standards ...

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a. Perimeter Buffers ...

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b. Proximity to Other Uses

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A PIPD with a residential pod shall be limited in size and design to allow residents to walk from residential to commercial service uses within 1,320 feet. A residential pod in a PIPD shall be located

within 1,320 feet of commercial and personal service uses. A pedestrian accessible route shall be provided. This requirement shall be met by 100 percent of the housing units all residential pods in a PIPD.

1) Measurement of Distance

For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located.

* * *

PART 10. ULDC, Article 3.E.5.D, Property Development Regulations (PDRs), is amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 5 Planned Industrial Park Development (PIPD)

- A. General ...**
- B. Objectives and Standards ...**
- C. Thresholds ...**
- D. Property Development Regulations (PDRs)**

The minimum lot dimensions, ~~minimum and maximum density~~, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.5.D-26, PIPD Property Development Regulations:

PART 11. ULDC, Table 3.E.5.D-26, PIPD Property Development Regulations, is amended as follows:

Table 3.E.5.D-26 - PIPD Property Development Regulations

Pods	Lot Dimensions			Max. FAR	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side	Street	Rear
Light Industrial	1 ac	100	200	.45	30%	25	C – 15 R – 40	25	C – 15 R – 40
General Industrial	2 ac	200	200	.45	30%	25	C – 20 R – 40	25	C – 20 R – 40
Commercial	Apply MUPD, MXPD or TMD regulations								
Residential	Apply PUD regulations								
Recreation	Apply PUD Recreation Pod and Neighborhood Park regulations								
Civic	Apply PUD Civic regulations								

Notes to Table 3.E.5.D-26, PIPD Property Development Regulations:
C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.
R - Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

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PART 12. ULDC, Article 3.E.5.D.1, Setbacks, is amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 5 Planned Industrial Park Development (PIPD)

- A. General ...
- B. Objectives and Standards ...
- C. Thresholds ...
- D. Property Development Regulations (PDRs) ...
 - 1. Setbacks

Land uses, which abut open space 40 feet in width or greater, may substitute a 20 foot side or rear setback if a 40 foot setback is required

PART 13. ULDC, Article 3.E.5.E, Pods, is amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 5 Planned Industrial Park Development (PIPD)

- A. General ...
- B. Objectives and Standards ...
- C. Thresholds ...
- D. Property Development Regulations (PDRs) ...
- E. Pods
 - 1. Industrial Pods

~~An industrial pod is intended to provide areas an industrial pod is for light and general industrial uses, and accessory uses.~~

a. Use Regulations

~~Uses shall be permitted in accordance with pursuant to Use Regulation Schedule Table 3.E.1.B-10, PDD Use Matrix, Art. 4; Use Regulations; and, Art. 3.E.5.F, SCO PIPD.~~

2. Commercial Pod

A commercial pod is intended to provide commercial service, retail and professional office uses to serve the needs of the population and workforce within a PIPD.

a. Use Regulations

~~Uses shall be permitted in accordance with Table 3.E.1.B-10-PDD Use Matrix, Art. 4; Use Regulations; and, Art. 3.E.5.F, SCO PIPD.~~

b. Additional Requirements

Commercial uses within a PIPD shall comply with the following additional use regulations:

a.1) Outdoor Storage

Outdoor storage of any merchandise, equipment, refuse or similar material shall be prohibited.

b.2) Outdoor Speakers

No outdoor loudspeaker systems shall be permitted.

c. Mixed-use

Mixed-use development is intended to provide residential and commercial land uses integrated vertically into one building or horizontally into groups of buildings. A PIPD with a BCC approval for a commercial pod may apply to the DRO to re-designate the pod as a mixed-use pod on the master plan. A mixed-use development in a PIPD shall comply with the following:

1) Thresholds

A mixed-use development shall have a minimum land area equal to or larger than five acres or a minimum GFA of 50,000 square feet.

1 **2) Development Regulations**

2 A mixed-use pod shall comply with the requirements for a
3 MXPD or TMD.

4 **3. Residential Pod**

5 A residential pod is intended to provide areas for residential housing,
6 including units to aid in accommodating the work force of a PIPD. A
7 residential pod shall comply with the regulations indicated in Table
8 3.E.2.D-16, PUD Property Development Regulations.

9 **a. Use Regulations**

10 Uses shall be permitted in accordance with the provisions for a
11 PUD Residential Pod, indicated under Table 3.E.1.B-10-PDD Use
12 Matrix; Art. 4, Use Regulations; and, Art. 3.E.5.F, SCO PIPD.

13 **ab. Transitional Land Uses**

14 Housing or recreational land uses shall be located between the
15 PIPD and adjacent residential uses outside of the PIPD, as
16 determined by PZB to provide a transitional area between on-site
17 nonresidential uses and adjacent residential land uses.

18 **4. Recreation Pod**

19 A PIPD with a residential pod shall provide recreation uses based on
20 the number of units provided. Site improvements shall be provided in
21 accordance with Art. 5.D, Parks and Recreation Rules and Recreation
22 Standards.

23 **a. Use Regulations**

24 Uses shall be permitted in accordance with the provisions for a
25 PUD Recreation Pod, indicated under Table 3.E.1.B-10-PDD Use
26 Matrix; Art. 4, Use Regulations; and, Art. 3.E.5.F, SCO PIPD.

27 **ab. Location**

28 A recreation pod shall not have vehicular access from an arterial or
29 collector that is not part of the interior circulation system of the
30 PIPD. No recreation facility shall maintain direct physical access to
31 any arterial or collector bordering or traversing the PIPD.

32 **bc. Recreation Area**

33 In residential pods, recreation areas shall be provided in
34 accordance with Art. 5.D, Parks and Recreation Rules and
35 Regulations Standards, for use by the residents of the pod and their
36 guests.

37 **ed. Neighborhood Park**

38 Neighborhood parks shall be provided in residential pods
39 developed in accordance with Table 3.E.2.D-16, PUD Property
40 Development Regulations.

41 **5. Civic Pod**

42 A Civic pod is intended to provide areas for the provision of civic needs
43 for residents and the workforce of a PIPD.

44 **a. Use Regulations**

45 Uses shall be permitted in accordance with the provisions for a
46 PUD Civic Pod, indicated under Table 3.E.1.B-10-PDD Use Matrix;
47 Art. 4, Use Regulations; and, Art. 3.E.5.F, SCO PIPD.

49 **PART 14. ULDC, Article 3.E.5, Planned Industrial Park Development**
50 **(PIPD), is amended as follows:**

51 **Section 5 Planned Industrial Park Development (PIPD)**

52 **A. General ...**

53 **B. Objectives and Standards ...**

54 **C. Thresholds ...**

55 **D. Property Development Regulations (PDRs) ...**

56 **E. Pods ...**

1 **F. SCO PIPD**

2 **1. Purpose and Intent**

3 The SCO PIPD is intended to implement the SCO provisions of the
4 Plan. The purpose of the SCO is to allow for research, development,
5 manufacturing activities and support services within a sustainable
6 community. The SCO requires an integrated mix of uses that provide
7 support for a scientific community that promotes economic
8 development, while preserving and enhancing natural resources.

9 **2. Applicability**

10 The provisions of the SCO PIPD shall apply to the SCO boundaries
11 identified in the Plan.

12 **3. Conflict with Other Applicable Regulations**

13 If a conflict exists between the SCO provisions and other Articles in
14 this Code, the SCO provisions shall prevail except where superceded
15 by state or federal laws.

16 **4. Application Requirements**

17 **a. Site Plan**

18 BCC site plan approval for requested uses shall not be required,
19 subject to the following:

- 20 1) The location of each requested use shall be depicted on the
21 master plan.
22 2) A site plan shall be approved by the DRO for each requested
23 use.

24 **5. Property Development Regulations**

25 **a. Setbacks**

- 26 1) The setback from property lines adjacent to a water
27 management tract or open space 100 feet in width or greater
28 may be reduced to zero, subject to the following conditions:

- 29 a) The adjacent water management tract or open space shall
30 be located within the boundaries of the PIPD.
31 b) The portion of the building or structure to which the reduced
32 setback is applied shall be located a minimum of 200 feet
33 from the boundary of the PIPD.
34 c) The required landscape buffer may be waived, however, the
35 landscape material that would have been required shall be
36 relocated to other portions of the affected property, in
37 accordance with an ALP.

- 38 2) Where a R-O-W buffer is required, the street setback may be reduced
39 to the width of the R-O-W buffer.

40 **b. FAR**

41 The FAR within an individual pod may exceed the stated standard
42 as long as the overall FAR of the entire project does not exceed
43 0.45 based on the net developable non-residential land area in the
44 PIPD.

45 **c. Density**

46 The density shall be based on the gross residential land area for
47 the overall PIPD, and any density provided through a density bonus
48 program, with no minimum or maximum density for pods with
49 residential uses.

50 **1) Mixed Use**

51 A minimum of 75 percent of the residential units allocated to a
52 mixed-use pod shall be vertically integrated (located above non-
53 residential uses).

54 **d. Land Use Mix**

55 The SCO PIPD shall not be subject to the provisions of Table
56 3.E.5.C-25 – PIPD Land Use Mix.

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2 Accessory overnight accommodation may be provided in a Light
3 Industrial pod, subject to the following:

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5 One unit per 100,000 square feet of research laboratory space in
6 each pod shall be permitted.

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8 Each unit shall not exceed 1,000 square feet of GFA.

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0 A kitchen within each unit or a communal cooking facility shall be
1 permitted.

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3 Units shall be architecturally compatible in character and materials
4 with the principal structure(s).

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6 Units shall be subject to the minimum setbacks applicable to the
7 principal structure.

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9 Work/live spaces shall be permitted in accordance with the provisions
0 of Art. 3.E.3.D.1, Work/Live Space.

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2 The maximum building area for Work/Live Spaces in an individual
3 pod shall not exceed 10 percent of the intensity (non-residential
4 building square footage) allocated to the pod.

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A maximum 50 percent width reduction and/or deviations from Planting Pattern and Shrub Hierarchy requirements may be permitted subject to DRO approval of an ALP, and the following:

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0 Pods eligible for deviations shall be indicated in the BCC approved
1 design guidelines.

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5 **PART 15. ULDC, Article 4.B.1.A.134, Utility, Minor, is amended as**
6 **follows:**

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2 Mechanical equipment associated with utility distribution, collection, or
3 or transmission networks, required by their nature to be relatively dispersed
4 throughout their service area other than electric generation and
5 transmission voltage facilities, Typical uses include gas and water
6 regulators, electrical distribution substations, sewage lift stations,
7 telephone exchange buildings, and communication substations.

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0 A maximum of 3,000 square feet of gross enclosed floor area.

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2 A maximum of 10,000 square feet of gross enclosed floor area.

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4 as a Class A Conditional Use or a Requested Use.

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c. Lift Station

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

Facilities located within streets or utility easements shall not be subject to DRO approval.

PART 16. ULDC, Article 4.B.1.A.141, Work/Live Space, is amended as follows:

Section 1 Uses

141. Work/Live Space

a. Floor Area

b. Office Space

c. ~~TMD~~ TDDs/PDDs

* * *

CHAPTER D EXCAVATION

A. Agricultural Excavations ...

B. WCAA Excavations ...

C. Type I A Excavation ...

D. Type I B Excavation ...

E. Type II Excavation

1. Location ...

1. Location ...
2. **Standards** ...

3. Separations and Setbacks ...

4. Depth ...

5. Use Approval

a. DRO Approval ...

b. Removal of Excess Fill from the Site ...

c. Off-site Removal

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more

than ten percent of the fill from the site, then use approval shall be required as follows:

d.1) Excavation Necessary to Implement a Final Development Order Removal of Excess Fill

If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.D.5.E, Type II Excavation, then the excavation shall be considered a Type IIIA mining operation. This exception applies only to sites located within the Urban Service Area or a site in the rural service area which has a valid development order approved prior to the effective date of this ordinance. The applicant shall apply for a Class A Conditional use or Requested Use approval for a Type III A excavation pursuant to the standards of Art. 2.B.2, Conditional and Requested Uses, and shall comply with the following standards: 1) Art. 4.D.8.A, Operational Standards and Requirements, 2) Littoral; 3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring; 4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.D.8.E, Maintenance and Monitoring; 5) Buffer requirements in Art. 4.D.5.F.7.b.c), Type III A Excavation; and 6) Setbacks shall be provided pursuant to Type II setback requirements in Art. 4.D.5.E.3, Separations and Setbacks.

1)a) Frontage

The development shall have direct frontage on and access to a collector or arterial street depicted on the County's Thoroughfare Identification Map.

2)b) Location

The following Type III A standards shall apply, unless required waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, Separation from other land uses; and minimum acreage requirement pursuant to Art. 4.D.5.F.7, Compatibility Standards.

e.d. Excavation, Performed by Public Agency, To Provide Drainage For A Public Street

* * *

PART 18. ULDC, Article 5.G.2.H, Receiving Areas, is amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

A. Purpose and Intent ...

B. Authority ...

C. Applicability ...

D. Previous Approvals ...

E. Administration ...

F. Sending Areas ...

G. Transfer of Development Rights (TDRs) Bank ...

H. Receiving Areas

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

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- 1. **Eligible Receiving Areas**
 - a. PDDs and TDDs. The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD or TDD acreage threshold; and
 - b. Residential Subdivisions which are not within a PDD or TDD.
- 2. **Qualify as a Receiving Area**
 - a. Be located within the U/S Tier; or the Scientific Community Overlay;

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PART 19.

ULDC, Article 7, Appendix D, Checklist of Standards for ALP is amended as follows:

Table 7 – Appendix D - Checklist of Standards for ALP

	Specific Regulation	Standard can be modified with an approved ALP
	Plant Quality and Quantity	
Perimeter Buffers		
Trees		No
Minimum Number of Canopy Trees	1 tree per 25 lineal ft.	
Minimum Shrub Percentage of Buffer Length (R-O-W Buffer)	100 percent for ground cover	
	50 percent for small	
	25 percent for medium	
	25 percent for large	
Spacing for Hedges	24 in. on center	Yes
R-O-W Buffers		
Minimum Width	20 ft. (100+ ft. R-O-W)	No <u>1</u>
	15 ft. (0-99 ft. R-O-W)	
Planting Pattern	Minimum 50 percent of buffer width in meandering pattern	No <u>1</u>
Shrub Hierarchy	U/S Tier: 3 shrub types	No <u>1</u>
	AGR and Glades Tiers: 4 shrub types.	
	Exurban and Rural Tiers: 4 shrub types	
Clustering	Allowed if clusters 40 ft. apart; on property with 300 ft. of frontage and have trees of varied height	Yes
Walls and Fences	R-O-W Setback: 10 ft.	Yes
	75 percent of landscaping must be on the exterior side	Yes
Width reduction	May be reduced 50 percent if separated from street by open space, canal or lake with a min. 80 ft. width	Yes
Compatibility Buffers		No
Required Location	Between all compatible use types (except Single Family residential)	
Minimum width	5 ft.	
Minimum height	3 ft.	
Incompatibility Buffers		No
Buffer types	1: 10 ft. wide/6 ft. high	
	2: 15 ft. wide/6 ft. high	
	3: 20 ft. wide/6 ft. high. Wall required	
Buffer Type	Based on differences in height and use	
Maximum Tree Spacing	20 ft. on center	

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Note:

1. Deviations from Minimum Width, Planting Pattern and Shrub Hierarchy shall be permitted in the SCO in accordance with Art. 3.E.5.F.8, R-O-W Buffer Deviations.

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Underlined language indicates proposed new language.

Language ~~crossed out~~ indicates language proposed to be deleted.

... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

PART 20. ULDC, Article 18.A.2.A, Definitions, is amended as follows:

CHAPTER A ZONING DEFINITIONS AND ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced Article shall have the following meanings:

* * *

Accessory Overnight Accommodation (AOA): A limited service overnight facility for visiting researchers, scientists and dignitaries.

* * *

PART 21. ULDC, Article 18.A.3, Abbreviations and Acronyms, is amended as follows:

CHAPTER A ZONING DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

* * *

AOA Accessory Overnight Accommodation

* * *

EDC Economic Development Center

* * *

SCG SCGCFO Sugar Cane Growers Cooperative of Florida Protection Area Overlay

SCO Scientific Community Overlay

* * *

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on OCTOBER 13, 2004
DATED at West Palm Beach, FL on 11/2/04
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.